

The Transformation of Erinyes into Eumenides: Justice as Generosity



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The problem addressed in this paper is of the crucial difference between justice and revenge. Following the vivid images of revenge and justice present in literature, I argue that revenge is rooted in a reactive, backward-looking spirit which is destructive for both individuals and the community. Justice, on the other hand, is rooted in an active, forward-looking spirit which is constructive and aimed at restoring order. I analyze the different functions of punishment which are based on payback and are thus focused on the balance of power and status which is more typical for revenge than justice. Punishment should be based on a normative balance rooted in norms and values, and which is aimed at promoting accountability. Anger transformed by justice should be focused on wrongdoing (the act), rather than the wrongdoer (person). Justice in its highest degree, when complemented by mercy, becomes 'justice as generosity' which is able to restore trust in social relations, fostering solidarity and reconciliation in society.

Key words: justice, revenge, generosity, Nussbaum, Erinyes, anger

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Introduction

Martha Nussbaum provides an insightful analysis of *The Oresteia* by Aeschylus in which she emphasizes the transformative character of justice.¹ The legal transformation of the *polis* is illustrated by the great parable in which the ancient goddesses of revenge—the *Erinyes*—are transformed into the *Eumenides* (The Kindly Ones). I will follow Nussbaum's idea and make the tragedy of Orestes the point of departure for

my considerations on justice which will be further complemented by other vivid illustrations from the literature.

In the present paper I attempt to elucidate the differences between justice and revenge by discussing both notions and specifying the role of anger to be traced within them. I claim that justice enables us to transform anger and overcome revenge because of its active and creative character. The fullness of justice requires its correction by equity and complementation by mercy—this kind of complete justice is what I mean by "justice as generosity". I coined

1 Martha Craven Nussbaum, *Anger and Forgiveness. Resentment, Generosity, Justice* (Oxford, 2016).

this term having been inspired by Martha Nussbaum, who emphasizes generosity as one of the most important and productive virtues on which justice should be based.² Yet, in contrast to Nussbaum, I do not assume that welfarist conception of punishment is the best alternative to retribution, and I am more sympathetic with Nicolas Wolterstorff's idea of reprobative punish-

hounding anybody who breaks an oath or sheds blood and the tormented Orestes turns to Athena for help. She arranges for him to be brought to trial, arranging a jury of twelve Athenians to judge him. Apollo represent Orestes, while the Erinyes speak on behalf of Clytemnestra. The result is a hung jury and thus Athena intervenes in favor of Orestes, convincing the



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ment.³ Besides I claim that emotions including anger may play an important role in the inner transformation of a person and thus are also to some extent useful in the legal realm.

1. *The tragedy of Orestes*

The Oresteia is a trilogy which begins with the tragedy of Agamemnon—the king of Mycenae who won the Trojan war, yet he had to sacrifice his own daughter Iphigenia in return for that success. Queen Clytemnestra was unable to forgive her husband for the murder of their daughter, and exacts revenge for Iphigenia by killing Agamemnon. In the second part of the trilogy, the son of Agamemnon and Clytemnestra—Orestes—receives an order from Apollo to seek vengeance for the murder of his father. He returns to the city and kills his own mother Clytemnestra but, in the third part of the trilogy, Orestes is hunted by the Erinyes (in the Latin version, the Furies) for committing matricide. The Erinyes are charged with

Erinyes to stop hunting him. She persuades them that their bloodthirsty revenge, one which is full of anger, is not good for the *polis* and asks them to accept the rules of justice, inviting them to settle in the city. After they accept the invitation, she renames them the Eumenides, stressing their transformation and new role within the legal order.

According to Max Scheler, tragedy is not a conflict of good and evil.⁴ It rather presents the clash of two worlds, two entire systems of values which results in their annihilation. The same power which enables the value to be achieved becomes its destroyer. “The great art of the tragedian is to set each value of the conflicting elements in its fullest light, to develop completely the intrinsic rights of each party”, as Scheler emphasizes.⁵ From that clash of the worlds of values, a new order is born.

It is characteristic of tragedy that the tragic hero is not guilty since he does not fully choose to act. Roberto Calasso writes that a tragic hero does not choose his actions but rather the actions precede him and “come

2 Ibid., p. 13.

3 See Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, 2008); Nicholas Wolterstorff, *Justice in Love* (Grand Rapids, Michigan, 2011).

4 Max Scheler, “On the Tragic,” trans. B. Stambler, *CrossCurrents*, no. 4 (1954), 178–191.

5 Ibid., p. 181.

to meet him, like a towering wave”⁶. The tragedy of the hero is that he “‘becomes guilty’ while doing a guiltless thing”, tragic guilt is “unguilty guilt” which comes to him.⁷ Thus, the tragic hero “does not sin (...) every law, all natural order indeed the moral worlds, may be destroyed by his actions, yet by these very actions a higher, magical circle of effects is drawn which found a new world on the ruins of the old one that has been overthrown”⁸ as Nietzsche says.

Orestes did not kill his mother because he wanted to, he *had to* kill her because this was the ancient moral law which he obeyed. He hesitated to kill his mother yet he did it to fulfil the god’s order and therefore he became his mother’s slayer tormented by the

ily and brings chaos to the *polis*. In the clash of these values, from the duty to seek revenge on the one hand, and the duty to respect blood relations and life on the other, a new world of legal order is built.

2. Justice and order

In the oldest philosophical texts of our culture, justice (Greek: *diké*) is identified with a process of restoring balance in the universe, with a kind of a rhythm of the Universe as we learn from Anaximander.⁹ The pre-Socratic notion of *diké*, which appears together with its opposite *adikia*, is an effect of a never-ending struggle between opposing forces, from which one is aimed at difference and chaos, while the other strives

”**The pre-Socratic notion of *diké*, which appears together with its opposite *adikia*, is an effect of a never-ending struggle between opposing forces, from which one is aimed at difference and chaos, while the other strives for unity and order. Order, once achieved, is not permanent yet justice aims at its renewal, just as nature is engaged in a constant cycle of rebirth.**

Erinyes. The tragedy of Agamemnon, Clytemnestra and Orestes who fall into the trap of a family slayer is that they violated the sacred law by fulfilling their duties based on law on which their community was based—the law of vengeance. The tragedy written by Aeschylus reveals the destructive force of the rule of revenge which torments the heroes, destroys the fam-

ily for unity and order. Order, once achieved, is not permanent yet justice aims at its renewal, just as nature is engaged in a constant cycle of rebirth. The *status quo ante* cannot be restored, injustice cannot be counter-balanced, it can only be *reconstructed*. Justice is not a reactive force—it is not repaying like with like—it is rather a creative one which provides a new element. Justice as a ceaseless renewal of order is thus the Apollonian objection to the Dionysian chaos.

6 Roberto Calasso, *The Marriage of Cadmus and Harmony*, trans. T. Parks, ebook, (New York, 1994), 709.

7 Scheler, “On the Tragic”, 190.

8 Friedrich Nietzsche, *On the Genealogy of Morality*, ed. K. Ansell-Pearson, trans. C. Diethe, (Cambridge 2007), 47.

9 Jan Patrick Oppermann, “Anaximander’s Rhythm and the Question of Justice,” *Law and Critique*, no. 14 (2003), 45–69.

Nussbaum claims that this magic thinking about justice as a kind of cosmic balance is still present in our legal systems, especially the penal system where we require a repayment from the wrongdoer for his or her wrongful act which caused harm. Nussbaum interprets repayment in a narrow way—as suffering inflicted on a wrongdoer, either to compensate for the suffering of the victim or to restore the diminished status of a victim by means of humiliating or downgrading the wrongdoer. She calls the former strategy “the road of payback”, and the latter one—“the road of status”.¹⁰ The manner of payback is, in her opinion, connected to the magic thinking of justice which restores balance by repaying suffering with suffering. This strategy is irrational, since suffering cannot be compensated for with suffering, the wrong which was done cannot be undone by the fact that the wrongdoer suffers. The way of status is more efficacious, as Nussbaum notes, since the humiliated victim may indeed feel better by humiliating the wrongdoer, since the strategy offers the reversal of positions between the parties involved. Yet the latter strategy is normatively controversial because of its morally repulsive character.

I agree that both strategies described by Nussbaum are equally wrong. Yet in my opinion, they are wrong because *both* are based on an illusion. One may feel better by repaying like with like, yet in fact inflicting suffering on the wrongdoer will neither make one’s own suffering disappear, nor will it restore the status of the victim. If we understand status in terms of dominance and power, then it may seem that the humiliated victim restores her undermined status by humiliation of the wrongdoer. Yet, if we define status in moral terms, connecting self-respect to moral integrity as the virtue ethics of Plato and Aristotle would suggest, then repaying humiliation with humiliation would not upgrade one’s own status. Quite the contrary, it equates the status of the victim with that of the perpetrator, something which is morally degrading for both. This is precisely what makes this strategy both morally repulsive and normatively wrong. In my opinion, the aforementioned strategies, despite being introduced in an insightful way by Nussbaum, do not describe justice but rather revenge, something which is often confused with justice.

¹⁰ Nussbaum, *Anger*, 5.

First, if we reject the idea of justice based on reciprocity, punishment does not have to be understood as repayment aimed at inflicting suffering on a wrongdoer as it was described by Nussbaum. The role of punishment should rather be aimed at providing practical knowledge, in contrast to the merely theoretical, which involves emotions and therefore becomes embodied. By punishment, one may understand bearing the consequences of one’s own actions which is an essential condition for accountability.

Second, I think that understanding justice as a kind of balance is a deeply rooted insight which does not require “magic thinking”, yet it definitely requires the kind of metaphorical thinking which is present at most of our abstract notions and plays a significant normative role. I will attempt to elucidate this claim by specifying the differences between the notion of justice and revenge, and by illustrating these differences with the kind of vivid images that can only be provided by literature.

3. Justice and revenge

Oliver Wendell Holmes points out that “early forms of legal procedures were grounded in vengeance”.¹¹ Old laws, from the code of Hammurabi to pre-modern European legal systems, involved the idea of repayment called *ius tallionis*—according to which one must repay like with like (evil for evil, good for good). Let me briefly analyze this idea in order to draw a distinction between justice and revenge.

3.1. Payback: balance and status

The beginnings of our legal systems and states are soaked in blood and connected with great suffering as Nietzsche famously notes.¹² The German philosopher presents a genealogy of penal systems, emphasizing their brutality as well as the public and humiliating character of the punishment they entail. In the work of Michel Foucault, we can find a further description

¹¹ In Kenji Yoshino, *A Thousand Times More Fair. What Shakespeare’s Plays Teach Us About Justice*, ebook, (New York, 2011), 20.

¹² Nietzsche, *On the Genealogy*, 39. Cf. M. Soniewicka, *After God: The Normative Power of the Will from the Nietzschean Perspective* (Frankfurt am Main, 2017), 112–140.

of the evolution of the Western penal system, which until recently (to the French Revolution and in many respects until the 20th century) focused on public punishment.¹³ The creation of tortures such as breaking on the wheel, impaling on a spike or burning at the stake not only led to the infliction of pain but also, and above all, had a ceremonial character intending to shame the perpetrator and cleanse the society of the wrong that had been done and affected the whole community.¹⁴ Thus, it indeed had the magic character which Nussbaum mentions.

The oldest and most naïve canon of justice as retribution, *ius talionis*, stemmed from the strongly rooted idea that one can repay like with like. The idea of compensating for suffering is made on the false assumptions concerning the interchangeability of suffering and its conversion. The exchangeability of suffering was tightly connected with status of persons involved. The rule ‘an eye for an eye, a tooth for a tooth’ does not claim that every eye or tooth is equal, but only the eyes and teeth of the same class of people.¹⁵ For instance, the eye of a free person was equal not to the eye of a slave, but rather to his life. Thus, the status enjoyed by the parties involved in the crime, both the victim and the perpetrator, was crucial for the measurement of the requisite punishment. According to Nietzsche, the idea of compensation and exchange of suffering was rooted in contractual relations. Law and morality influenced by trade relations were based on an assumption that everything has its price and everything may be paid for, including both good and bad actions.

The idea of payback, which is central to the execution of punishment, was mainly aimed at restoring the balance of power, as Nietzsche accurately points out:

Balance is therefore a very important concept for the oldest theories of law and morality; balance is the basis for justice. If in more barbarous ages justice says, ‘an eye for an eye, a tooth for a tooth,’

it presupposes the attained balance and wants to *maintain* it by means of this recompense: so that if someone transgresses against another, the other person no longer takes revenge in a blindly embittered way. Instead, by virtue of the *jus talionis* the balance in power relations that has been disturbed is *reestablished*: for having one eye or one arm *more* than another is in such primitive conditions like having a bit more power, a heavier weight than him.¹⁶

Re-establishing the disturbed power relations by means of payback is interwoven with the issue of status, thus both ways—of payback and status—overlap. The idea of restoring diminished status by downranking that of the perpetrator provides an explanation for the cruelty of the punishment, as well as its public and humiliating character. Pre-modern punishments were more reminiscent of a religious ritual sacrifice, as Nietzsche writes, than of a rational system of justice.¹⁷ The suffering, the ostentatious and often furious dimension of the punishment had a political character—it was about confirming and renewing power; the response of the rulers to the violence of the guilty party was even greater violence and had the goal of showing their strength. In the case of public punishment, the ruling party such as the king, executed the punishment in order to reverse the positions and make the wrongdoer suffer. By violating the king’s law, the perpetrator undermined the status of the king. Thus, the king was compelled to punish the perpetrator for his disobedience in public to regain his power status. The power to punish is nothing more than the power to punish disobedience, as Nietzsche notes. The stronger the power becomes, the less ostentatious its displays of power become.

With time, punishment as a spectacle disappears and repression becomes hidden within the shadow of justice, obscured by abstract and impersonal administrative procedures. Together with the growth in the strength of society, justice began to serve to protect the

13 Michel Foucault, *Discipline and Punish. The Birth of the Prison*, trans. A. Sheridan (New York, 1991).

14 Foucault, *Discipline*, 34 ff.

15 Henri Bergson, *The Two Sources of Morality and Religion and Morality*, trans. R. A. Audra and C. Breton, (Notre Dame, 1977).

16 Friedrich Nietzsche, *Human All Too Human II and Unpublished Fragments from the Period of Human, All Too Human (Spring 1878–Fall 1879)*, trans. G. Handwerk, *The Complete Works of Friedrich Nietzsche*, vol. 4 (Stanford, 2013), 164–165.

17 Nietzsche, *On the Genealogy*, 52–54.

criminal from those he had harmed and their revenge. It is not only the limiting of physical punishment which shows the strength of a modern state but it is also reflected in a shift in attitude towards criminals, who begin to be seen as sick, degenerate, in need of both treatment and help rather than punishment. The gradual weakening of the system of punishment is often termed the “civilizing of society”. This may be a sign of the strength of a community that no longer feels threatened by the actions of individuals and thus may show them mercy. Violence on the part of the state is a sign of its weakness, since rule by fear stems most often from powerlessness, hatred and a sense of threat.

Building on the genealogy of penal systems as described by Nietzsche and Foucault, one is compelled to admit that premodern penal systems seem to be grounded on vengeance and maintaining a balance of power. This kind of justice, which Nietzsche calls “cold justice”, can be easily identified with revenge: “And when they say: ‘I am just [*gerecht*],’ then it sounds always like: ‘I am just avenged [*gerächt*]!’”¹⁸ However, this is not the only alternative available.

Plato and Aristotle follow the intuitions of the the Pre-Socratics by identifying justice as a kind of balance or harmony.¹⁹ Yet they firmly reject the idea of justice as a balance of power. They consider justice as a special virtue related to both political order (*polis*) and spiritual order (*psyche*), a kind of a balance of virtues, a meta-virtue which is able to balance the other virtues. Moreover, Plato and Aristotle distinguish justice from vengeance. Aristotle argues that the idea that “a person should suffer what he did” so “the right justice would be done”,²⁰ is wrong and it expresses rather vengeance than justice. Aristotle, just like Plato, identifies justice with giving to each person their due, as famously repeated by the Roman jurist Ulpian in the formula: *suum cuique*. Compensation in terms of justice is aimed not at determining an equivalent punishment but rather one which is *relevant* to the crime

committed. The “relevant” measure of punishment, just like the relevant measure of the distribution of goods, is defined in social practices and institutions. Since there is no relevance between the suffering of different persons, inflicting suffering on a wrongdoer should never be the aim of justice. Suffering may only be an inevitable side-effect of the execution of a punishment in the realm of justice.

Order based on the norms and values is nothing permanent, more a kind of fragile balance which may be easily disturbed. Yet restoring balance does not mean repaying like with like. If we respond to suffering and humiliation with suffering and humiliation, we will not restore the balance and order which are aimed at mitigating suffering and providing meaning to our relations. It will only multiply the suffering and humiliation in the world, which will be even more unbalanced then before. By balance, I mean here order which is acting according to certain norms and promoting significant positive values. In order to restore the social order based on violated norms, we should not respond with evil to evil. We have to introduce special measures which will bring about good for the individuals involved, as well as the society as a whole. The aim of justice is to reestablish order, restore social trust and provide reconciliation, healing the “diseased social relations”,²¹ and helping to “bind up the nation’s wounds”.²²

Justice, in contrast to revenge, focuses on the community as a whole, rather than on the particular interests or harm of individuals. Revenge was originally an obligation of the harmed and their family, allowing them to let off steam and gain some measure of satisfaction in the suffering of the other. In time, an endless cycle of violence, ultimately destructive for society, is thus transformed into the idea of redress determined by the community; its goal is to end the argument and restore order. A confirmation of this can be found in Max Weber, who shows that the trial is the oldest form of legal action, based on a contract—an agreement to redress.²³ Trial proceedings usually

18 Friedrich Nietzsche, *Thus Spoke Zarathustra. A Book for All and None*, eds. A. del Caro and R. B. Pippin, trans. A. del Caro (Cambridge 2006), 73.

19 Aristotle, *Nicomachean Ethics*, trans. and ed. R. Crisp (Cambridge, 2000), 1133b, 91.

20 Ibid., 1132b, 89.

21 Nussbaum, *Anger*, 178.

22 Abraham Lincoln, in *ibid.*, 239.

23 Max Weber, *Economy and Society. An Outline of the Interpretive Sociology*, ed. and trans. G. Roth and C. Wittich (Berkeley, 1978), 761.

take place in public (they are social gatherings), with the judgement given in public but the execution of the law in private.²⁴

Interpreted in the spirit of trade, a community brings benefits to all of its members, stemming from cooperation and a guarantee of security—and is based on obliging its members to respect norms in order to enjoy the benefits of its existence. In this respect, members of a community are its debtors and society is their creditor:

[T]he community has the same basic relationship to its members as the creditor to the debtor. You live in a community, you enjoy the benefits of a community (...), you live a sheltered, protected life in peace and trust, without any worry of suffering certain kinds of harm and hostility to which the man *outside*, the ‘man without peace’, is exposed (...) The lawbreaker is a debtor who not only fails to repay the benefits and advances granted to him, but also actually assaults the creditor: so, from now on, as is fair, he is not only deprived of all these valued benefits,—he is now also reminded *how important these benefits are*²⁵.

In this understanding, a criminal is seen as one who breaks this covenant and draws an undue advantage. The task of justice is thus to take back these ill-gotten gains. It originally did this by the most radical means to exclude him from society (exile and shame). The more contemporary approach to equalising mainly leads to depriving the person who breaks the contract of goods which are held valuable by the society, the most highly prized being freedom. As a result, the idea of imprisonment became widespread in Western societies from the end of the 18th century.²⁶ This idea is reflected in contemporary theories of retributive justice, such as those presented by John Rawls and Herbert L.A. Hart.²⁷ These theories of retribution do not assume that the idea of punishment is to be under-

stood as the deliberate infliction of suffering upon the wrongdoer who deserves to suffer.

It is worth emphasising here the distinction between justice as reciprocity and subject-centered justice introduced by Allen Buchanan.²⁸ According to justice as reciprocity, basic rights and duties result from the cooperation and are based on mutual advantage. This approach to justice, limits the rights to social resources to those who at least potentially could contribute to the cooperative surplus. Yet, Rawlsian idea of justice as fairness is distinct from this approach and represents subject-centered justice, according to Buchanan. Subject-centered justice assumes the preeminent moral value of persons and grounds rights and duties in the moral status which is independent from the ability to harm or contribute. Rawlsian egalitarian theory of justice assumes the fundamental moral equality of persons.²⁹

A different example of subject-centered justice is Wolterstorff’s idea of rights-based justice in which rights are grounded in human worth (dignity).³⁰ Wolterstorff strongly rejects the code of reciprocity and claims for re-considering the idea of punishment.³¹ By rejecting the idea of reciprocity as central to justice, we stop explaining justice in terms of trade and get free from the idea of punishment as retribution. Instead, Wolterstorff argues for the idea of reprobative punishment which is aimed at “expressing public denunciation of wrong”³² which could be supported by my further considerations.

3.2. The normative role of anger

Justice should neither include vengeance, nor be grounded in it. Yet there is indeed something that both justice and revenge have in common and thus could often be confused. Both the desire for revenge and

24 Ibid., 649; M. Foucault, *Discipline*, 118.

25 Nietzsche, *On the Genealogy*, 46–47.

26 Foucault, *Discipline*, 231–256.

27 H. L. A. Hart, *Punishment and Responsibility* (Oxford, 2008), 1–27; 210–237.

28 Allen Buchanan, “Justice as Reciprocity versus Subject-Centered Justice”, *Philosophy & Public Affairs* vol. 19, no. 3 (1990), 227–252.

29 John Rawls, *A Theory of Justice* (Cambridge, 1971).

30 Wolterstorff, *Justice: Rights*; Wolterstorff, *Justice in Love*.

31 Wolterstorff, *Justice in Love*, 193–205.

32 David McLroy, “Justice in Love. By Nicholas Wolterstorff”, *Oxford Journal of Law and Religion* no. 03/20 (2012), 305–308.

a feeling of injustice are often fed by the same anger which results from an experience of being wronged or harmed. Yet justice has the power to transform anger which was depicted in the tragedy of Orestes. By introducing the legal institutions to the *polis* to end the endless cycle of vengeance, justice overcomes revenge. Justice does not simply replace revenge by eliminating anger, it rather transforms anger into a drive to restore social trust and order. As Nussbaum points out:

Aeschylus suggests that political justice does not just put a cage around anger, it fundamentally transforms it, from something hardly human, obsessive, blood-thirsty, to something human, accepting of reasons, calm, deliberate, and measured. Moreover, justice focuses not on a past that can never be altered but on the creation of future welfare and prosperity.³³

Nussbaum claims that the normative aspect of anger is controversial in both the private and public sphere. According to her, the anger which results from a serious wrong always includes the will to inflict suffering on the wrongdoer; anger is conceptually connected with a wish for violent revenge. Anger is focused on an act (wrongdoing), but its target is a person (a wrongdoer). She considers three aspects in which anger could be useful—as a signal that somebody was wronged; as the motivation to challenge the wrongdoing and defend yourself; and as a deterrent to prevent others from wrongdoing. Yet Nussbaum comes to the conclusion that in none of these aspects does anger play an essential role and thus it is not a necessary emotion in the context of justice due to its irrational and destructive character. She rejects the idea of any kind of ‘noble anger’ and argues for the so called ‘transition anger’ which in fact transforms anger into non-anger. Transition anger is not aimed at making the wrongdoer suffer, it is neither focused on the victim, nor on the perpetrator. It is focused on the wrongdoing itself and its target is the state of harm which has to be changed. This is when we say: “How outrageous! Something must be done about this.”³⁴

33 Nussbaum, *Anger*, 3.

34 *Ibid.*, 35.

I agree with Nussbaum that justice should be based on ‘transition anger’ and ought to focus on the act of wrongdoing which has to be challenged. Yet I think that this is still a kind of anger, and a very useful one. The most crucial from the normative perspective is to transfer anger from a wrongdoer to the wrongdoing which should be the main target of the anger. If we agree that emotions are our embodied knowledge and help us understand and evaluate people’s actions,³⁵ then feeling angry when a serious wrong has been done is not only a natural reaction, it is also necessary to fully understand the situation. If we are able to distinguish between the wrongdoer and his or her act, and to target the act with our anger instead of the person, then anger will not be connected with the wish to make anybody suffer and therefore not result in violent revenge.

Judith Shklar notes that injustice is “the special kind of anger we feel when we are denied promised benefits and when do not get what we believe to be our due. It is the betrayal that we experience when others disappoint expectations that they have created in us.”³⁶ These expectations are concerned with the intended functioning of social relations and structures (like the expectation that people will keep their promises etc.).³⁷ The feeling of injustice helps us challenge the frustration of being out of control of one’s own life and motivates us to demand a change. Martin Luther King emphasizes that:

[A]nger may play a valuable part in motivating some people to get involved. Nonetheless, even when there is real anger, it must soon lead to a focus on the future, with hope and with faith in the possibility of justice (K 52). Meanwhile, anger toward opponents is to be ‘purified’ through a set of disciplined practices, and ultimately transformed into a mental attitude that carefully separates the deed from the doer, criticizing and repudiating the bad deed, but not imputing unalterable evil to people³⁸.

35 See Martha Craven Nussbaum, *Upheavals of Thought. The Intelligence of Emotions* (Cambridge, 2001).

36 Judith N. Shklar, *The Faces of Injustice* (New Haven and London, 1990), 83.

37 *Ibid.*, 89–90.

38 In Nussbaum, *Anger*, 222

Pondering the difference between revenge and justice, one may claim after Aristotle that revenge is excessive anger, wrongly manifested and for which we are to be blamed.³⁹ The feeling of injustice, on the other hand, is rooted in the mean state of anger—“in virtue of which we get angry with the right people, at the right things, in the right way”.⁴⁰ The difference between the anger in which a demand for revenge and a demand for justice are rooted is not only a matter of its strength and expression, but also of its direction and nature. Aristotle emphasizes that “it is not easy to determine how, with whom, at what, and how long one should be angry, and the limits of acting rightly and missing the mark. (...) [S]uch things depend on the particular circumstances, and judgment lies in perception”.⁴¹ Yet the even-tempered person should not be directed by their feelings alone, but by reason.

into taking revenge before fully hearing the command and thus fails to do what it is asked to.⁴⁴ In other words, anger which drives the demand for justice is a form of emotion directed by reason which separates the deed from the doer and targets the deeds. Anger which drives the desire for vengeance is an emotion which directs reason and identifies the deed with the doer, and therefore targets the person.

Nussbaum identifies the conditions which help in achieving transition anger: impartiality (A. Smith), taking the perspective of the wrongdoer (Aristotle)—cultivating empathy, acknowledgment of wrongdoing and its seriousness, as well as a forward-looking effort of reconciliation.⁴⁵ It is worth emphasizing that transition anger is not passive, but active—it enables violence to be overcome through mental change, training in solidarity and generosity.



The difference between the anger in which a demand for revenge and a demand for justice are rooted is not only a matter of its strength and expression, but also of its direction and nature.

Such a person is more inclined, as Aristotle writes, “not to revenge so much as to forgiveness”.⁴² Aristotle claims that people who remain angry too long, become obsessed with revenge since it “relives their anger, by substituting pleasure for pain”.⁴³ Often, a person who takes revenge enjoys inflicting pain on the opponent. Suffering becomes something done for its own sake. This kind of excessive anger destroys those people and those closest to them.

Anger obeys reason to some extent, as Aristotle claims. Yet because of its heated nature it may rush

It is a mental state that good parents experience when their child has done something wrong. They do not want to make the child suffer, but rather seek to prevent him from doing wrong in the future. It does not mean that the good parents should never be angry. Of course, they are and should be angry if the child did something seriously wrong. Yet they should direct their anger not towards the child they love, but rather to the act of wrongdoing which is harmful for others, as well as for the child. This kind of anger does not exclude punishment. Yet the punishment is not focused on inflicting pain or suffering. The child should be able to understand what it did wrong and learn why. Punishment, such as for instance sending

39 Aristotle, *Nicomachean*, 1126b, 74.

40 Ibid.

41 Ibid., 1126a–1126b, 73–74.

42 Ibid., 1126a, p. 73

43 Ibid., 1126b, p. 74.

44 Ibid., 1149a–1149b, 129.

45 Nussbaum, *Anger*, 52–53, 238.

the child to its room to rethink what it did, or taking away some pleasures for some time (e.g. computer games) may produce some suffering for the child. This emotionally unpleasant aspect may help the child to learn that harming others is wrong, for instance. It is not about merely disciplining the child but rather embodying knowledge by means of emotional associations which help us to react in the right way in the future. This should include an explanation given by the parent so the child is fully conscious of the wrong and is able to understand it.

Imagine a teenager who has a car accident in which a person is severely injured or killed. In panic, the teenager drives away from the place of the accident and comes back home in tears to tell his or her parents about it. In such a situation, we would expect that good parents would convince the teenager to go to the police and claim responsibility for the accident, with the resulting punishment that this entails. The parents certainly do not want their child to suffer, yet they know that it is good, not only for the society, but also for their child if he or she bears the consequences of their action and pays for the harm they have done. If the idea of payback embodied in punishment was only about inflicting suffering and downranking, then loving parents would protect the child from the punishment. Yet, this is not what we expect from them. What we expect from the good parents is the recognition of the wrong which was done by their child. Recognition of the wrong is a pre-requisite for both moral improvement and forgiveness, and therefore love should not be understood as benevolence detached from justice as Wolterstorff argues.⁴⁶ Building on Wolterstorff's idea of rights-based justice, one may claim that this reasoning justifies neither deterrent nor retributive but reprobative justice—i.e. punishment aimed at condemnation of wrongdoing which is usually accompanied by negative feelings such as anger.⁴⁷

Therefore, I claim that anger which results in the demand for punishment may be useful and normatively justified if it is aimed at providing accountability—the knowledge that one has to suffer the bad consequences of one's own wrongdoing. It is not about suffering for

the sake of suffering or for the sake of compensation of the suffering of the others. It is rather about the full awareness of the wrongdoing. Being fully aware of harming somebody means to suffer even more than the person harmed since empathy (being able to feel what the harmed person feel) is accompanied with suffering which stems from the knowledge that it was I who harmed the person (a sense of guilt and regret). Taking full responsibility for one's own actions, which includes the punishment that may accompany it, may even help in overcoming this kind of suffering based on guilt.

4. *Revenge in an unjust world: equality, freedom and truth*

Justice guarantees harmony and reinforces order, being based on knowledgeable reasoning and therefore produces objective and impartial judgments. Revenge, on the other hand, is its opposite—directed by emotions, excessive, subjective, partial, and destructive for both the individuals involved and the community.

The problem of the destructive character of vengeance is present in a vast body of literature, such as Shakespeare's *Titus Andronicus*. This cruelest, bloodiest and most harrowing of Shakespeare's tragedies “carries a serious message about the necessity of the rule of law”; “Titus is a cautionary tale for how the rule of law must quash cycles of vengeance that would otherwise destroy society”, as Kenji Yoshino writes.⁴⁸ Because of the extreme violence it contains, the play has been overlooked and reviled since the Victorian period and rarely played, despite being one of the most popular of Shakespeare's plays during his own lifetime.

Vengeance is a means of the “barbarous”, while justice belong to the “civilized” world. Yet “the line between the ‘civilized’ Romans and the ‘barbarous’ Goths is immediately blurred”⁴⁹ when both the Roman general Titus Andronicus and the queen of the Goths Tamora turn into the bloody cycle of revenge. Vengeance transformed Titus into a monster and alienated him from the audience. Richard Posner writes about this effect of alienation which is usually present in literature in which revenge is described:

⁴⁶ Wolterstorff, *Justice in Love*, 53, 166.

⁴⁷ *Ibid.*, 166–205.

⁴⁸ Yoshino, *A Thousand*, 19–20.

⁴⁹ *Ibid.*, 30.

We the audience start off with great sympathy for the revenger and wish him or her complete success, only to find that as the play (or story) proceeds we cool on revenge. The vivid picture of the revenger's wrong with which we began fades and is replaced by an equally vivid picture of the horrors of the revenge itself.⁵⁰

Therefore, "Titus must die on our behalf. Only when he does so can the vengeful part of us that has identified with him perish".⁵¹

Reinforcement of justice and the rule of law may break the cycle of vengeance and mitigate its consequences. As Nussbaum accurately points out: "When

political, and post-totalitarian, illustrating them with vivid images from great literary works.

4.1. *Challenging social injustice: the struggle for equality*

The short novel by Heinrich von Kleist entitled *Michael Kohlhaas* (1810) "is neither simply a tale of revenge that would restore a pre-given economy, nor merely one of a failed call for revolution" as Jeffrey Champlin points out.⁵³

Kohlhaas was a horse trader who lived a happy life in a village in the 16th century. He had been regarded as a model citizen until one of the local lords, Wenzel von Tronka, treated him unjustly. The lord requested



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the basic legal structure of society is sound, people can turn to the law for redress; the Eumenides recommend this course. But sometimes the legal structure is itself unjust and corrupt".⁵² In such situations, in an unjust world, the desire for revenge immediately occurs—the Erinyes return to the city. Yet the Erinyes are unable to restore order and instead bring about chaos, destruction and escalation of suffering.

In order to emphasize the destructive character of revenge and its close relations to justice, I will discuss revenge stemming from three kinds of injustice—social,

unfair payment for crossing his land and took Kohlhaas' horses as a deposit, treating them badly in the process. Kohlhaas sought justice in court for the maltreatment of his horses. Yet his lawsuit was dismissed, and Kohlhaas's wife died due to her mistreatment at the hands of the prince's guards when she tried to claim her husband's rights. He was so disappointed by the corrupted courts that he did not want to live in a country where his rights were not protected. When the court failed, he wrote a decree himself "by virtue of authority inborn in him" and commanded the lord to bring his pair of stolen horses back to him within

50 Ibid., 54.

51 Ibid.

52 Nussbaum, *Anger*, 211.

53 Jeffrey Champlin, *The Making of a Terrorist: On Classic German Rogues* (Northwestern University Press 2015), 97.

three days.⁵⁴ When the lord did not fulfill the command, Kohlhaas raised an army, burned the castle of the lord, killed his people and went after the lord, burning cities on his way. He drafted the so-called “Kohlhaas Mandate” in which he declared his “just conflict” with von Tronka and “he called upon ‘every good Christian’” to join him and fight for his cause.⁵⁵ “In yet another mandate that followed soon thereafter, he called himself ‘a man free of worldly and imperial ties, beholden only to the Lord God.’”⁵⁶ The only court of law that counted for him was “his innate sense of justice”, his “heart of hearts”.⁵⁷ Kohlhaas saw himself as a representative of all those treated unjustly by their lords. He was “one of the most upright and at the same time terrible men of his time” as the author describes him.⁵⁸

He stopped fighting after receiving a public letter from Martin Luther, who condemned his war and wrote:

Kohlhaas, you who pretend to have been sent by Him on high to wield the sword of justice, by what right do you, in your audacity and the madness of blind fury, dare disseminate the very injustice you claim to oppose, but which you yourself embody from head to toe? (...) How can you maintain that you were denied your right, you, who, after your first frivolous attempts to seek redress came to naught, just dropped everything and, egged on in your seething breast, gave yourself over heart and soul to the base urge for revenge? (...) You're a rebel and no warrior of God! Your earthly destination is the rack and the gallows and eternal damnation in the great beyond for your godless misdeeds.⁵⁹

Kohlhaas claimed that he was denied the protection of the law and therefore he had been cast out of

54 Heinrich von Kleist, “Michael Kohlhaas”, in *Selected Prose of Heinrich von Kleist*, trans. P. Wortsman, ebook, New York 2010, 194; Champlin, *The Making*, 102.

55 Von Kleist, *Michael*, 200.

56 *Ibid.*, 200–201.

57 *Ibid.*, 171.

58 *Ibid.*, 163.

59 *Ibid.*, 209–210.

his country into the wild, where one uses violence to fight for what they are due.⁶⁰ Even in front of such an authority as Luther, he did not accept that his war was unjust and was unable to forgive the Junker who offended him. Thus, he did not obtain the blessing of absolution from Luther, yet he was promised a just ruling from the Elector. He entered into an amnesty agreement and finally justice was done. The court considered his lawsuit regarding the maltreatment of his horses again and ruled in his favor, yet the same court found Kohlhaas guilty of starting the war and all the attacks, including those performed by his people and he was sentenced to death.

The tragedy of Kohlhaas was that “his sense of justice turned him into a thief and a murderer”, and “the world would have had to bless his memory had he not gone too far in one virtue”.⁶¹ Thus, the lesson we can learn from this story is that violence, even when raised in a just cause, is not able to restore justice and the legal order. It can only destroy life and everything one cares about. The story shows that injustice and corruption forced a good citizen to take justice into his own hands, replacing justice with revenge and transforming the victim of injustice into a violator of justice. The violence he inflicted undermined his moral integrity and brought about his fall.

4.2. Challenging political injustice: the struggle for freedom (the problem of justifying terrorism and treason)

The most famous and vivid illustration of revenge in Polish literature comes from a poem written by the Romantic poet Adam Mickiewicz entitled *Konrad Wallenrod: An historical poem* (1828). The poem tells the story of a mysterious Lithuanian who grew up among the Germans, joining the Teutonic Order and becoming its Grand-Master: all to take vengeance. He led the German knights into battle with the Lithuanians and, as a result of his deliberate negligence, he led them to a huge defeat.

The poem by Mickiewicz was written during a period of history in which Poles were unsuccessfully struggling to regain their independence. The story of an

60 *Ibid.*, 213–214.

61 *Ibid.*, 164.

oppressed Lithuanian country is thus a metaphor for an oppressed Poland and its fight with the tyranny of the invaders. The poem poses the question of whether taking revenge on an enemy can be considered as something praiseworthy and whether the dishonorable means used in the revenge do not also question the idea of the revenge itself.

The same problem of conspiracy and justifying unethical means to free the country were addressed in another play by Mickiewicz entitled *Forefather's Eve* (part III) (1832). The main protagonist, also named Konrad, is being held in a Russian prison and has been unfairly accused of conspiracy against the tsar. He meets other political prisoners there, mainly students, and they decide to take their revenge on the Russian occupiers, thinking of assassinating the tsar. Konrad sings a song which they repeat numerous times: "Then vengeance, vengeance on the foe, God upon our side or no!"⁶² A priest calls this "a pagan song" and the corporal calls it "the Satan singing" which shows that the idea of vengeance is at odds with the Christian religion and violates the moral law. Konrad compares himself to God and demands the rule of souls from God. He challenges God and considers himself as a martyr who suffers for his people and the independence of his country ("My name is million, for I love as millions, Their pain and suffering I feel").⁶³ Konrad faints and the spirits begin to fight for his soul. In the next scene, the priest performs the Catholic ritual of exorcism on Konrad and the spirits who drove him mad go away.

Another great Polish Romantic poet—Juliusz Slowacki—wrote the play entitled *Kordian* (1833) in which he addressed the same issue, yet he was critical on the idea of sacrifice and conspiracy as presented by Mickiewicz. He was explicitly against the idea of using such dishonorable means like assassination in order to regain independence.

Kordian shows up among the conspirators and calls for vengeance on the Russian authorities:

As the very day of our vengeance shall be!
A day that shall ring down the centuries!
When freedom dawns joyfully in the skies,
Heaven will shake with our people's glad cries.⁶⁴

Yet he is opposed by the chairman, the old man and the priest. The Chairman refers him to his conscience and ask him to stop seeking revenge which is forbidden by God:

The golden images you offer hide
Satanic thought—your conscience won't abide
To delve within and see it for what it is.
Your ardour swings you out over the abyss!
Look, boy—you kill the Tsar. His family
Is next, for that's the next step, naturally.
But then God's heavy hand fells you, and us,
For God is just!⁶⁵

The Priest requests Kordian to forgive the world and refrain from revenge. Although Kordian's idea of the assassination of the tsar is lost by ballot, he decides to kill the tsar himself. When he is on his way to perform the deed, he experiences inner conflict in his soul—the struggle between his fear and imagination which ultimately prevents him from killing the tsar.

The message from these works, written by the greatest Polish Romantic poets, is that revenge is a destructive way which is against the moral law and therefore corrupts the soul, destroying not only the target of the vengeance but, first and foremost, the avenger himself. Anger which drives revenge is blind, kills reasoning and disrupts the imagination. Vengeance may be inspired by the desire to regain control over oneself, one's own life and one's own country, yet it results in the opposite—taking control over others at the cost of one's own self, which is corrupted by excessive anger and is out of control. Moreover, vengeance is backward-looking and therefore unable to build the future independent state and provide order, it merely destroys social relations and undermines trust.

62 Adam Mickiewicz, "Forefather's Eve," ed. G. Rapall Noyes, trans. D. Prall Radin, *The Slavonic Review*, no. 3 (1925), 499–523, 522.

63 Adam Mickiewicz, "Part III, Sc. II–V, Forefather's Eve," ed. G. Rapall Noyes, trans. D. Prall Radin, *The Slavonic Review*, no. 4 (1925), pp. 42–46, p. 49.

64 Juliusz Slowacki, "Kordian", in *Four Plays, Mary Stuart, Kordian, Balladyna, Horsztyński*, trans. Ch. S. Kraszewski, ebook (Glagoslav Publications, 2018).

65 Ibid.

4.3. Challenging post-totalitarian injustice: the struggle for the truth

The issue of restoring justice and trust in communities destroyed by bloody cycles of vengeance which have resulted in mass-killings, genocide, and discrimination is one of the most intricate problems in the field of justice. In countries like South Africa and Rwanda, special courts and tribunals were established to achieve reconciliation (e.g. the Truth and Reconciliation Commission in South Africa). One of the most perplexing problems of societies in which tremendous wrongs and harm have been done is that the victims are forced to live alongside the perpetrators of the cause of their pain, particularly when no justice was done. The core problem of such societies is that the victims have been denied one of the most fundamental human needs—that of the truth.

This problem is vividly illustrated by the drama entitled *Death and the Maiden* written by Ariel Dorfman (1991) and adapted by Roman Polański for the screen (1994). The author presents a story inspired by the terror inflicted by General Pinochet's dictatorship in Chile. During this period, many people were killed, held in prison and tortured. The victims of the dictatorship never found justice and lived alongside their tormentors, side by side. The play depicts a woman who was one of the victims of the cruel dictatorship, held in prison, tortured and raped over a long period. We encounter her many years after, when she lives a seemingly normal life, until one night she recognizes in the neighbor brought home by her husband, the doctor who tortured her and raped her. She believes he is the one who brutally abused her, yet he denies it. She puts him on quasi-trial in her house and tries to make him talk about and admit what he had done to her. Over the course of one long night, she works hard on his confession, but unsuccessfully. We are faced with the problem of how a person may react to an unspeakable harm done to them if the perpetrator is later left at their mercy. We can see how tempting it is for them to take revenge: in the play, she even contemplates the idea of raping the doctor, either with the use of a stick, or asking her husband to do it on her behalf. Yet she realizes that there is no way in which this form of repayment could ever mitigate her suffering. What was done to her cannot be undone, and whatever she does in revenge would not bring her back what she

has lost. Inflicting violence on the perpetrator does not compensate for the violence inflicted on her, but only serves to multiply the violence.

The play addresses the problem of how to break the cycle of recrimination and retaliation without violence. The only way to do so is to seek justice, and justice does not require us to inflict pain on the perpetrator, but requires the determination of guilt or innocence via a criminal procedure. The main protagonist who was the victim could not seek justice in the court and when she tried to seek it on her own, she quickly realized that how easily this path could transform her from a victim into perpetrator:

We inhabit a time of fear and mistrust: nothing could be more urgent than asking ourselves how we should react when we have been overwhelmed by a monstrous offence; nothing could be more imperative than the need to understand how easy it is to go from victim to accuser, from accuser to invader, from violator to victim.⁶⁶

The problem so vividly described in the play was present in many post-war and post-totalitarian countries. Svetlana Alexievich addresses this problem in the post-soviet countries, in which the victims of the communist regime have to live side by side with their tormentors.⁶⁷ “Our entire tragedy lies in the fact that our victims and executioners are the same people”, as we can read in the book⁶⁸. The permanent state of terror which lasted for several generations has transformed the society and blurred the line between the victims and violators:

Imagine a victim and an executioner from Auschwitz sitting side by side in the same office, getting their wages out of the same window down in accounting. With identical war decorations. And now, with the same pensions.⁶⁹

66 Ariel Dorfman, “A vicious circle,” *The Guardian* (17 Jan 2008), <https://www.theguardian.com/world/2008/jan/17/chile.theatre> (last access: 05.25.2021).

67 Svetlana Alexievich, *Secondhand Time. The Last of the Soviets*, trans. B. Shayevich, ebook (New York, 2016), 78.

68 *Ibid.*, 602.

69 *Ibid.* 624.

Victims do not necessarily want to make their perpetrators suffer, in most cases they only want to be heard and to hear that those who have harmed them are guilty of what they have done. And when it is denied to them, society is unable to be fully restored. The recognition of human dignity and restoring trust to social and legal institutions as well as trust in social relations, is one of the main aims of justice. The government owes the truth to the victims of dictatorships and totalitarian regimes which is necessary for showing them respect and restoring their status of full participants of the political-legal community.

One of the main characteristics of a totalitarian regime is its denial and corruption of truth, something which was vividly described by such writers as Czesław Miłosz (*The Captive Mind*), Vaclav Havel

and creating a shared public sense of right and wrong”, then justice and reconciliation are highly questioned. Without an attempt to recognize truth and acknowledge responsibility for past wrongs and harm, the post-totalitarian society remains deeply rooted in totalitarian ideology and no restoration of a just society is possible.

As Martha Nussbaum accurately points out:

The focus should be on establishing accountability for wrongdoing, as a crucial ingredient of building public trust, on expressing shared values, and then on moving beyond the whole drama of anger and forgiveness to forge attitudes that actually support trust and reconciliation. What values promise such support? Generosity, justice, and truth.⁷²



Without an attempt to recognize truth and acknowledge responsibility for past wrongs and harm, the post-totalitarian society remains deeply rooted in totalitarian ideology and no restoration of a just society is possible.

(*The Power of the Powerless*) or George Orwell (1984)—to name but a few. The elementary need of human beings is “an attempt to live within the truth”⁷⁰ which requires acknowledging moral autonomy and individual responsibility. “Trials are the normal means of establishing a public truth. In a nation with a legal system that commands public trust, they are, as Aeschylus saw, a preferable means,” as Nussbaum writes.⁷¹ Yet, if the totalitarian regime collapses and people are denied such trials which would “acknowledge the wrongs of the past, restoring public trust in gov-

Concluding remarks: justice as generosity

Justice reduced to its reactive spirit becomes revenge, which in turn undermines just social institutions. Justice enhanced by love (*agape*) may overcome revenge and reach its fullness, becoming justice as generosity.⁷³ Generosity enables the reintegration of a community which has disintegrated because of the violation of its norms.

Generosity is best displayed by good parents who, although angry at a child who did something wrong, want to help the child to improve. Good parents should

70 Vaclav Havel, *The Power of the Powerless*, trans. P. Wilson, accessed May 5, 2021, <https://hac.bard.edu/amor-mundi/the-power-of-the-powerless-vaclav-havel-2011-12-23>.

71 Nussbaum, *Anger*, 238.

72 *Ibid.*, 13.

73 See Wolterstorff, *Justice in Love*. Cf. Timothy P. Jackson, *The Priority of Love* (Princeton 2008); Timothy P. Jackson, *Political Agape: Christian Love and Liberal Democracy* (Grand Rapids, Michigan: 2015).

send the child a clear message of the unacceptability of the bad act. Yet they should do this in the spirit of love and generosity which encourages the child to the transformation by separating the wrongful deed from the self of the child. Such a separation helps the child “to think of him- or herself as capable of good in the future”.⁷⁴ Using this analogy in the political context, Nussbaum argues for building justice on generosity:

Equally important, the Political Realm is not simply a realm of impartial justice. If a nation is to survive and motivate people to care about the common good, the public realm will need some of the generosity and the non-inquisitorial spirit that I think of as proper to the personal realm, where keeping score of all one’s wrongs may be carried too far and poison the common endeavor. That, really, is the core of Aeschylus’ insight: that instead of exporting to the city the vindictiveness and bloodthirstiness of the family at its worst, the city should draw on the bonds of trust and the emotions of loving generosity that characterize the family at its best.⁷⁵

Nussbaum provides three powerful exemplars of the spirit of generosity, Mahatma Gandhi, Nelson Mandela and Martin Luther King. Their remarkable attitude helped societies which had been divided by long lasting harm and wrongs to overcome the past and reintegrate in the common effort of building the future. The non-violence practiced by them and their social and political movements was a strategy which had an instrumental negative meaning. Yet its positive correlate—‘loving generosity’—was crucial in the political transformation and had “both strategic and intrinsic political significance”.⁷⁶ “It is only through the inner transformation involved in replacing resentment by love and generosity that nonviolence can ever become creative”, as Nussbaum summarizes.⁷⁷

Generosity has creative power and enables the conflicting parties to move forward towards mutual respect. Nussbaum translates generosity into liberal

terms of a welfarist state which is aimed at their citizens’ welfare, including the welfare of wrong doers. In this conception, anger is transformed into non-anger, retribution is replaced with resocialization, and the role of punishment is diminished. The generosity may be also interpreted differently, as rooted in the Christian virtue of love (*agape*) which is expressed by *miser cordia* (mercy). Mercy is a moral virtue that, like justice, depends on human will and is regulated by reason.⁷⁸ Yet, mercy comes from the heart, while justice comes from reason.⁷⁹ In contrast to justice, which gives each person her due, mercy gives more good and less evil than one deserves. Justice is capable of restoring social order, while mercy is capable of much more—of restoring our relations with other people, as well as with ourselves:

True mercy is, so to speak, the most profound source of justice. If justice is in itself suitable for ‘arbitration’ between people concerning the reciprocal distribution of objective goods in an equitable manner, love and only love (including that kindly love that we call ‘mercy’) is capable of restoring man to Himself.⁸⁰

Neither love, nor mercy replace justice, they rather complement each other. Both love and mercy can be considered as powerful sources of justice which ground justice in respect to inner worth of human beings and enable to overcome vengeance and restore inner and political order.

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78 St. Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province, Benziger Bros. edition 1981, digital version, accessed May 5, 2021, part II-II, question 30, article 3, <http://www.ccel.org/ccel/aquinas/summa.html>

79 Ibid., question 30, article 1 and 9.

80 John Paul II, *Dives In Misericordia, On the Mercy of God*, Encyclical Letter, 1980, accessed May 5, 2021, <http://www.thedivinemercy.org/message/johnpaul/encyclical.php>.

74 Nussbaum, *Anger*, 200.

75 Ibid., 9.

76 Ibid., 220.

77 Ibid., 218.

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